

MONTANA LEGISLATIVE HISTORY

Chapter 117 19 61

Bill H 394 S _____ Original bill & history X C

H. Committee on State Administration

Hearing Date(s) Feb 06 ☒ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

Date Out Feb 06 ☒ C

S. Committee on State Administration

Hearing Date(s) Feb 18 ☒ C

Feb 19 ☒ C

_____ ☐ C

_____ ☐ C

Feb 19 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

STATE ADMINISTRATION COMMITTEE

February 6, 1961

The committee on State Administration met in Room 416 with fourteen members present. The meeting was called to order by the Chairman.

The first order of business was consideration of House Bill 289 which was explained by Representative Hilling, Yellowstone County. Appearing before the committee were the following:

Wesley W. Wertz, Montana Banker's Association
H. J. Luxan, National Board of Fire Underwriter's
Walter S. Murfitt, Montana Title Association
John H. Risken, Ass'n of Casualty and Surety Co's
 and Montana Physicians Service
Don Burns, Montana Ass'n, Insurance Agents
Patrick F. Hooks, American Reciprocal Insurance Ass'n
Thomas B. Miller, Montana Ass'n of Ins Agents

There were several amendments to the bill proposed and considered. After consideration, it was moved by Mr. Lord that House Bill 289 do not pass. This motion was seconded by Mr. Stranahan and carried with one person voting against the motion.

The next order of business was House Bill 400. Mr. Murray reported that a substitute bill has been written. Action on this bill was postponed until the next meeting.

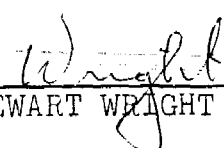
The committee then considered House Bill 390. It was moved by Mr. Hazelbaker that House Bill 390 do not pass. This motion was seconded by Mr. Murray and carried.

After discussion it was moved by Mr. Etchart that House Bill 393 do pass. This motion was seconded by Mr. Lord and carried.

Action was then considered on House Bill 394. It was moved by Mr. Etchart and seconded by Mr. Murray that House Bill 394 do pass. A substitute motion was made by Mr. Coulter that this bill be investigated further. The substitute motion was seconded by Mr. Stearns. The substitute motion did not carry. The question then arose on the original motion and carried with one dissenting vote.

House Bill 367 was then considered House Bill 367 which was explained by Mrs. Rosell. It was moved by Mr. Coulter that House Bill 367 be amended in the title, following the word "certificated" by adding the words "of cosmetologists" and, as amended, do pass. This motion was seconded by Mr. Hazelbaker and carried.

The meeting adjourned.


J. STEWART WRIGHT

MINUTES OF MEETING OF
STATE ADMINISTRATION COMMITTEE

Montana State Senate

Time and
Place of
Meeting

A meeting of the Committee on State Administration was called to order by Chairman James at 12:40 P.M., February 18, 1961, in Room 401 of the State Capitol Building.

Members &
Guests
Present

All members were present except Senators Cook and Sagunsky.

Present by invitation: Rep. Reed, Rep. Kvallen

HB 367
discussed

Rep. Reed appeared on HB 367, which imposes a \$2.50 penalty for late renewal of cosmetologists' licenses. The committee felt this should not go into effect without due notice of the penalty provision to the persons affected, and Rep. Reed expressed the hope it could be worked out so that the penalty would be in effect for the 1962 licenses. Senator MacDonald took the bill for drafting of an amendment.

The Chairman announced the committee still had before it Senate Joint Resolutions 2, 3, 6 and 7, all directed to the Legislative Council, and all of which the subcommittee recommended do not pass.

SJR 2
Do Not
Pass

Motion was made by Senator Mackay, seconded by Senator MacDonald and unanimously carried that SJR 2 do not pass.

Model Fam-
ily Code

In this connection the Chairman reported Senators Schoonover and Siderius were working on a Resolution for the Senate, favoring a Model Family Code.

SJR 3
Do Not Pass

Motion was made by Senator Mackay, seconded by Senator Bovey, and unanimously carried that SJR 3 do not pass.

SJR 6
Do Not Pass

Motion was made by Senator Mackay, seconded by Senator Rostad, and unanimously carried, that SJR 6 do not pass.

SJR 7
Do Not Pass

Motion was made by Senator Mackay, seconded by Senator Bovey, that SJR 7 do not pass, and carried unanimously.

HB 393 &
HE 394
discussed

Discussion was had on House Bills 393 and 394, both of which change fees collected by the Secretary of State. As it had been suggested the fees affected individuals more than corporations, and as some of the jumps in fees seemed very large, the bills were given to Senator MacDonald for further investigation.

HB 375
amended

Rep. Kvaalen appeared on House Bill 375, which relates to per diem and mileage of members of the legislative assembly. He stated he had no objections to amendments suggested by the committee. Motion was made by Senator MacDonald, seconded by Senator Mackay, and unanimously carried, that House Bill 375 be amended in accordance with the Committee report attached to these minutes.

February 19, 1961

MINUTES OF MEETING OF
STATE ADMINISTRATION COMMITTEE
Montana State Senate

Time and
Place of
Meeting

A meeting of the Committee on State Administration was called to order by Chairman James at 3:30 P.M., February 19, 1961, in Room 401 of the State Capitol Building.

Quorum
Present

All members were present except Senators Cumming and Sagunsky.

HB 117
Concurred
In

Senator MacDonald reported on House Bill No. 117, which relates to the interest and income funds of State Institutions. The purpose of the bill is to make a flat reference to "state institutions" funds, rather than set them out by name, as is done presently, and apparently a few have been missed. Motion was made by Senator MacDonald, seconded by Senator Mackay, and unanimously carried, that House Bill 117 be concurred in.

HB 367
Amended

The subcommittee read a proposed amendment on House Bill No. 367, relating to penalty for late renewal of cosmetologists' licenses. Motion was made by Senator Cook, seconded by Senator MacDonald, and unanimously carried, that House Bill No. 367, be amended as provided in the Committee Report attached to these minutes.

HB 367 Con-
curred in as
amended

Motion was made by Senator MacDonald, seconded, and unanimously carried, that House Bill 367 be concurred in.

HB 393 and
HB 394
discussed

Senator MacDonald reported on House Bills 393 and 394, which increase fees paid to the Secretary of State's office. The Secretary of State's office had proposed the changes, at the request of the Appropriation's Committee, in an attempt to equalize fees paid to that office. At the present time, fees collected in that office amount to about \$180,000.00 per year--operating costs of the office amount to about \$80,000.00 per year, leaving a surplus of about \$100,000.00, which is turned in to the General Fund each year. HB 393 would bring in approximately \$15,000.00 more per year, and HB 394 would bring in approximately \$35,000.00 more per year, for a total of around \$50,000.00. These bills do not provide for increases in corporation's fees, because they are already paying fees proportionate to the ones provided in these bills.

HB 393
Concurred
In

Motion was made by Senator MacDonald, seconded by Senator Mackay, and unanimously carried, that House Bill 393 be concurred in.

HB 394
Concurred
In

Motion was made by Senator Mackay, seconded by Senator Rostad, and carried, that House Bill 394 be concurred in. Senator Cook voted "No" to the motion.

Fees of secretary
of state—
continued.

(pardon and military commissions excepted), five dollars.

"15. For filing the annual report required under section 15-811 by domestic corporations, three dollars.

"16. For filing each trade mark, five dollars; for filing and recording each assignment of a trade mark, five dollars; and for issuing each certificate of record, five dollars.

"17. For filing and recording miscellaneous papers, records, or other documents, five dollars.

"18. For filing and recording any other paper not otherwise herein provided for, five dollars. When a copy of any law, resolution or record or other document or paper on file in the office of the secretary of state is presented for comparison and certification, ten cents per folio must be charged and collected for proofreading the same. That no member of the legislative assembly, or state or county officer, can be charged for any search relative to matters appertaining to the duties of his office; nor must he be charged any fee for a certified copy of any law or resolution passed by the legislative assembly relative to his official duties. Fees must be collected in advance, and when collected by the secretary of state, must be paid to the state treasurer at the end of each quarter, as provided in the constitution.

"19. For filing and recording a certificate or decree of dissolution, five dollars."

Approved March 2, 1961.

CHAPTER 117

An Act to Amend Section 14-127, Revised Codes of Montana, 1947, to Increase the Fees Paid to the Secretary of State by Credit Unions From Five Dollars (\$5.00) to Forty Dollars (\$40.00); to Amend Section 14-201, Revised Codes of Montana, 1947, to Increase the Fees Paid to the Secretary of State for Issuing a License to Commissioners to Open Books for Subscription of a Cooperative Association From Five Dollars (\$5.00) to Twenty Dollars (\$20.00); to Amend Section 14-204, Re-

vised Codes of Montana, 1947, to Increase the Fees Paid to the Secretary of State for Issuing a Certificate of Complete Organization of a Cooperative Association From Five Dollars (\$5.00) to Twenty Dollars (\$20.00) and to Increase the Fees Paid to the Secretary of State for Filing an Amendment and Issuing a Certificate of Amendment to Articles of Incorporation of a Cooperative Association From Five Dollars (\$5.00) to Ten Dollars (\$10.00); to Amend Section 14-422, Revised Codes of Montana, 1947, to Increase Fees Paid to the Secretary of State for Filing Articles of Incorporation of a Cooperative Marketing Association From Five Dollars (\$5.00) to Forty Dollars (\$40.00) and for Filing an Amendment to the Articles From Two and 50/100 Dollars (\$2.50) to Ten Dollars (\$10.00); to Amend Section 14-527, Revised Codes of Montana, 1947, to Increase the Fees Paid to the Secretary of State by Rural Electric and Telephone Cooperatives for Filing Articles of Incorporation, From Five Dollars (\$5.00) to Forty Dollars (\$40.00) and for All Other Filings, From Five Dollars (\$5.00) to Ten Dollars (\$10.00); to Amend Section 15-1801, Revised Codes of Montana, 1947, to Increase the Fees Paid to the Secretary of State for Filing Certificates of Consolidation or Merger From Five Dollars (\$5.00) to Fifteen Dollars (\$15.00); to Amend Section 15-1901, Revised Codes of Montana, 1947, to Increase the Fees Paid to the Secretary of State for Filing Certificates of Consolidation or Merger From Five Dollars (\$5.00) to Fifteen Dollars (\$15.00); to Amend Section 16-1303, Revised Codes of Montana, 1947, to Provide That County Farm Bureaus Organized as Corporations Shall Pay Corporate Filing and Recording Fees to the Secretary of State; to Amend Section 25-110, Revised Codes of Montana, 1947, to Increase the Fees Paid to the Secretary of State by Certain water Users' Associations From Ten Dollars (\$10.00) to Forty Dollars (\$40.00); to Amend Section 53-204, Revised Codes of Montana, 1947, to Increase the Fees Paid to the Secretary of State for Service of Summons or Process From Two Dollars (\$2.00) to Five Dollars (\$5.00); to Amend Section 53-205, Revised Codes of Montana, 1947, by Increasing the Fee to be Taxed as Costs From Two Dollars (\$2.00) to Five Dollars (\$5.00); to Amend Section 56-113, Revised Codes of Montana, 1947, to In-

crease the Fees Paid to the Secretary of State for Certificates of Official Character of Notaries Public From One Dollar (\$1.00) to Two Dollars (\$2.00); to Amend Section 65-213, Revised Codes of Montana, 1947, to Increase the Fees Paid to the Secretary of State for State-ments of Trust Receipt Financing From One Dollar (\$1.00) to Three Dollars (\$3.00); to Amend Section 72-306, Revised Codes of Montana, 1947, to Increase the Fees Paid to the Secretary of State for Noting Declarations Relative to Certain Contracts in the Margin of the Record From One (\$1.00) to Two Dollars (\$2.00); to Amend Section 84-1515, Revised Codes of Montana, 1947, to Establish a Fee for Filing Applications for Reviver and for Issuing a Certificate of Reviver by the Secretary of State; to Amend Section 85-103 Revised Codes of Montana, 1947, by Providing That the Fee for Filing and Recording a Trade Mark or Name Shall be as Provided in Section 25-102, Revised Codes of Montana, 1947; to Amend Section 93-3009, Revised Codes of Montana, 1947, to Increase the Fee Paid to the Secretary of State for Service of Process; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 14-127, Revised Codes of Montana, 1947 is amended to read as follows:

Disposition of fees paid by credit unions.

“14-127. (6109.38) **Disposal of fees—fee for filing and recording articles of incorporation.** All fees and expenses collected by the state examiner and ex-officio superintendent of banks from credit unions for examination shall be deposited with the state treasurer for the credit of the general fund. The secretary of state shall charge a flat fee of *forty dollars (\$40.00)* for filing and recording the articles of incorporation of credit unions, *and issuing the certificate of incorporation thereon*, which fee shall be in lieu of all other filing fees.”

Amending clause.

Section 2. Section 14-201, Revised Codes of Montana, 1947, is amended to read as follows:

Requirements for incorporation of cooperative associations.

“14-201. (6375) **Incorporation of cooperative associations.** Whenever any number of persons, not less than three, nor more than seven, may desire to become incorporated as a cooperative association for the purpose of trade, or of prosecuting any branch of industry, or the purchase

and distribution of commodities for consumption, or in the borrowing or lending of money among members for industrial purposes, they shall make a statement to that effect under their hands, duly acknowledged by a notary public, in the manner provided for the acknowledgement of deeds, setting forth the name of the proposed corporation, its capital stock, its location, and duration of the association, and the particular branch or branches of industry which they intend to prosecute, which statement shall be filed in the office of the secretary of state as the articles of incorporation of the association. The secretary of state shall thereupon issue to such persons a license as commissioners to open books for subscription to the capital stock of such corporation, at such time and place as they may determine, for which he shall receive the fee of *twenty dollars (\$20.00)*.”

License fee.

Section 3. Section 14-204, Revised Codes of Montana, 1947, is amended to read as follows:

Amending clause.

“14-204. (6378) **Certificate of incorporation—amendment of articles of incorporation.** The commissioners shall make a full report of their proceedings, including therein a copy of the notice provided for in the preceding section, a copy of the subscription list, a copy of the by-laws adopted by the association, and the names of the directors elected and their respective terms of office, which report shall be sworn to by at least a majority of the commissioners, and shall be filed in the office of the secretary of state. The secretary of state shall thereupon issue a certificate of the complete organization of the association, making a part thereof a copy of all papers filed in his office, in and about the organization, and duly authenticated, under his hand and seal of the state, for which he shall receive the sum of *twenty dollars (\$20.00)*, and thereupon a certified copy of said certificate shall be filed in the office of the county clerk in which the principal office of the association is located. Upon the filing of said certified copy, the association shall be deemed to be fully organized and may proceed to business. At any time after the filing of the certificate of complete organization, the articles of incorporation may be amended. Any amendment of the articles of incorporation shall first be approved by two-thirds of the directors and then adopted by a vote of not less than two-thirds of those stockholders

Certificate of incorporation—fee and filing requirements.

Articles of incorporation may be amended—fee and filing requirements.

voting thereon at any regular meeting of the stockholders or at a special meeting of the stockholders called for that purpose. A certificate setting forth such amendment shall be executed and acknowledged on behalf of the association by its president or vice-president, and its corporate seal affixed thereto and attested by its secretary. Such certificate shall be filed in the office of the secretary of state who shall thereupon issue a certificate of amendment of the articles of incorporation, for which he shall receive the sum of *ten dollars (\$10.00)*, and thereupon a certified copy of such certificate shall be filed in the office of the county clerk in which the principal office of the association is located."

Amending clause.

Section 4. Section 14-422, Revised Codes of Montana, 1947, is amended to read as follows:

Filing fees—
secretary
of state.

"14-422. (6449) **Filing fees.** For filing articles of incorporation *and receiving a certificate of incorporation* an association organized hereunder shall pay to the secretary of state, *forty dollars (\$40.00)*; and for filing an amendment to the articles *and receiving a certificate of amendment, ten dollars (\$10.00)*."

Amending clause.

Section 5. Section 14-527, Revised Codes of Montana, 1947, is amended to read as follows:

Fees charged by
secretary of state.

"14-527. **Fees.** The secretary of state shall charge and collect for:

"(a) Filing articles of incorporation *and issuing a certificate of incorporation, forty dollars (\$40.00)*;

"(b) Filing articles of amendment *and issuing a certificate of amendment, ten dollars (\$10.00)*;

"(c) Filing articles of consolidation or merger *and issuing a certificate of consolidation or merger, ten dollars (\$10.00)*;

"(d) Filing articles of conversion *and issuing a certificate of conversion, ten dollars (\$10.00)*;

"(e) Filing certificate of election to dissolve *and issuing certificate of election to dissolve, ten dollars (\$10.00)*;

"(f) Filing articles of dissolution *and issuing certificate of dissolution, ten dollars (\$10.00)*; and

"(g) Filing certificate of change of principal office

and issuing certificate of change of office, ten dollars (\$10.00)."

Section 6. Section 15-1801, Revised Codes of Montana, 1947, is amended to read as follows:

Amending clause.

"15-1801. **Oil, gas and other petroleum products corporations may merge or consolidate—agreement for merger or consolidation.** Any one or more corporations engaged in the production, marketing, or refining of oil, gas or other petroleum products or otherwise engaged in the oil, gas or petroleum products business organized under the provisions of the law of this state, or existing thereunder, may consolidate or merge with one (1) or more other like corporations organized under the laws of this or of any other state or states or territory of the United States of America if the laws under which said other corporation or corporations are formed shall permit such consolidation or merger.

Oil, gas and
other petroleum
products—
corporations
may merge or
consolidate.

"The constituent corporations may merge into a single corporation which may be any one of said constituent corporations, or they may consolidate to form a new corporation which may be a corporation of the state of incorporation of any one of said constituent corporations or shall be specified in the agreement hereinafter required. All the constituent corporations shall enter into an agreement in writing which shall prescribe the terms and conditions of the consolidation or merger, the mode of carrying the same into effect, the manner of converting the shares of each of said constituent corporations into shares of the corporation resulting from or surviving such consolidation or merger and such details and provisions as shall be deemed necessary or proper. In case of consolidation to form a new corporation there shall also be set forth in said agreement such other facts as shall then be required to be set forth in certificates of incorporation by the laws that shall govern said resulting corporation and that can be stated in the case of a consolidation.

Agreement by
constituent
corporations.

"Said agreement shall be authorized, adopted, approved, signed and acknowledged by each of said constituent corporations in accordance with the laws under which it is formed and in the case of a Montana corporation in the manner provided in section 15-1802. The agreement so authorized, adopted, approved, signed and acknowledged shall

Agreement
filed with
secretary of state.

Certified copy
filed with
county clerk.

be filed in the office of the secretary of state and a copy of such agreement certified by the secretary of state under the great seal of the State of Montana, shall be filed but need not be recorded in the office of the county clerk of the county in this state wherein such resulting or surviving corporation maintains its principal place of business, if any, and also, in each other county in this state in which such corporation may own real estate, provided, however, that a failure to file such certified copy in the office of any county clerk of any county in this state shall not affect the validity of said merger or consolidation. Said agreement so filed in the office of the secretary of state shall thenceforth be taken and deemed to be the agreement and act of consolidation or merger of said constituent corporations for all purposes of the laws of this state and said consolidation or merger shall take effect as of the date of the filing of said agreement with the secretary of state who shall, at the time of such filing, receive a fee of *fifteen dollars (\$15.00)* therefor. A copy of such agreement certified to be such by the secretary of state under the great seal of the State of Montana, shall be evidence of such merger or consolidation and of the contents of said agreement."

Effect.

Fee.

Amending clause.

Certain
corporations
may merge or
consolidate.

Section 7. Section 15-1901, Revised Codes of Montana, 1947, is amended to read as follows:

"15-1901. **Certain corporations may merge or consolidate—agreement for merger or consolidation.** Except as otherwise specifically provided by the constitution or existing laws of the State of Montana any one or more corporations organized under the provisions of the law of this state or existing thereunder, may consolidate or merge with one or more other corporations organized under the laws of this or of any other state or states or territory of the United States of America if the laws under which said other corporation or corporations are formed shall permit such consolidation or merger.

"The constituent corporations may merge into a single corporation which may be any one of said constituent corporations, or they may consolidate to form a new corporation which may be a corporation of the state of incorporation of any one of said constituent corporations or (as) shall be specified in the agreement hereinafter required. All the constituent corporations shall enter into an agree-

Agreement by
constituent
corporations.

ment in writing which shall prescribe the terms and conditions of the consolidation or merger, the mode of carrying the same into effect, the manner of converting the shares of each of said constituent corporations into shares of the corporation resulting from or surviving such consolidation or merger and such details and provisions as shall be deemed necessary or proper. In case of consolidation to form a new corporation there shall also be set forth in said agreement such other facts as shall then be required to be set forth in certificates of incorporation by the laws that shall govern said resulting corporation and that can be stated in the case of a consolidation.

"Said agreement shall be authorized, adopted, approved, signed and acknowledged by each of said constituent corporations in accordance with the laws under which it is formed and in the case of a Montana corporation in the manner provided in section 15-1902 hereof. The agreement so authorized, adopted, approved, signed and acknowledged shall be filed in the office of the secretary of state and a copy of such agreement certified by the secretary of state under the great seal of the State of Montana, shall be filed but need not be recorded in the office of the county clerk of the county in this state wherein such resulting or surviving corporation maintains its principal place of business, if any, and also, in each other county in this state in which such corporation may own real estate, provided, however, that a failure to file such certified copy in the office of any county clerk of any county in this state shall not effect the validity of said merger or consolidation. Said agreement so filed in the office of the secretary of state shall thenceforth be taken and deemed to be the agreement and act of consolidation or merger of said constituent corporations for all purposes of the laws of this state and said consolidation or merger shall take effect as of the date of the filing of said agreement with the secretary of state who shall, at the time of such filing, receive a fee of *fifteen dollars (\$15.00)* therefor. A copy of such agreement certified to be such by the secretary of state under the great seal of the State of Montana, shall be evidence of such merger or consolidation and of the contents of said agreement."

Agreement
filed with
secretary of state.
Certified copy
filed with
county clerk.

Effect.

Fee.

Section 8. Section 16-1303, Revised Codes of Montana, 1947, is amended to read as follows:

Amending clause.

Fees. "16-1303. (4544) **Fees.** The usual certificate fee shall be required to be paid to any county officer for filing of such articles of incorporation. *For filing and recording the articles of incorporation and issuing the certificate of incorporation thereon, the secretary of state shall collect the same fee as for corporations organized under sections 15-1401 to 15-1406.*"

Amending clause. Section 9. Section 25-110, Revised Codes of Montana, 1947, is amended to read as follows:

Water users' association exempt. "25-110. (147) **Water users' association exempt from payment of fees.** Any water users' association, organized in conformity with the requirements of the laws of the United States and of the State of Montana, under the reclamation act of June 17, 1902, which, under the articles of incorporation, is authorized to furnish water only to its stockholders, shall be exempt from the payment of any incorporation tax and from the payment of any annual franchise tax, and upon filing its articles of incorporation with the secretary of state, shall be required to pay only a fee of *forty dollars (\$40.00)* for the filing and recording of such articles of incorporation, and the issuance of certificate of incorporation."

Fee for filing and recording only.

Amending clause. Section 10. Section 53-204, Revised Codes of Montana, 1947, is amended to read as follows:

"53-204. **Service of process, how made—fees.** Service of such summons or process under section 53-202 and 53-203 shall be made by leaving a copy thereof with a fee of *five dollars (\$5.00)* with the secretary of state of the State of Montana, or in his office, and such service shall be sufficient and valid personal service upon the defendant.

Service of process—how made.

"Provided, that notice of such service and a copy of the summons or process is forthwith sent by registered mail requiring personal delivery, by the plaintiff to the defendant and the defendant's return receipt and plaintiff's affidavit of compliance herewith are appended to the process and entered as a part of the return thereof:

"Provided, further, that personal service outside of this state in accordance with the provisions of the statutes thereof relating to a personal service of summons outside of this state shall relieve a plaintiff from mailing a copy

of the summons or process by registered mail as hereinbefore provided. The secretary of state shall forthwith send one of such copies by mail, postage prepaid, addressed to the defendant at his address if known to the secretary of state. The court in which the action is brought may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action."

Section 11. Section 53-205, Revised Codes of Montana, 1947, is amended to read as follows:

Amending clause.

"53-205. **Service fee, when taxed as costs.** The fee of *five dollars (\$5.00)* paid by the plaintiff to the secretary of state shall be taxed as part of his costs if he prevails in the action."

Service fee—taxed as costs.

Section 12. Section 56-113, Revised Codes of Montana, 1947, is amended to read as follows:

Amending clause.

"56-113. (397) **Fees for filing commission and issuing certificates.** The secretary of state shall receive for each certificate of official character issued, with seal attached, the sum of *two dollars (\$2.00)*. The county clerk of any county in this state with whom a copy of notarial commission has been filed, shall receive for filing same the sum of fifty cents, and for each certificate of official character issued, with seal attached, the further sum of fifty cents."

Fees for filing commission and issuing certificates.

Section 13. Section 65-213, Revised Codes of Montana, 1947, is amended to read as follows:

Amending clause.

"65-213. **Filing and refiling.** 1. Any entruster undertaking or contemplating trust receipt transactions with reference to documents or goods is entitled to file with the registrar of motor vehicles in case the goods consist of automobiles, trucks, trailers and/or semi-trailers, or with the secretary of state and a copy with the clerk and recorder of the county wherein the goods and/or instruments are located in the case of any other trust receipt transaction a statement, signed by the entruster and the trustee, containing:

Entruster may file statement of trust receipt transaction.

"(a) a designation of the entruster and the trustee, and of the chief place of business of each within this state, if any; and if the entruster has no place of business within the state, a designation of his chief place of business outside the state; and

"(b) a statement that the entruster is engaged, or expects to be engaged, in financing under trust receipt transactions the acquisition of goods by the trustee; and

"(c) a description of the kind or kinds of goods covered or to be covered by such financing.

Form of
statement.

"2. The following form of statement (or any other form of statement containing substantially the same information) shall suffice for the purposes of this act.

STATEMENT OF TRUST RECEIPT FINANCING

"The entruster, ... whose chief place of business within this state is at....., (or who has no place of business within this state and whose chief place of business outside this state is at.....) is or expects to be engaged in financing under trust receipt transactions the acquisition by the trustee, ... whose chief place of business within this state is at of goods of the following description: (coffee, silk, automobiles, or the like.)

(Signed).....Entruster

(Signed).....Trustee."

Duty to number
and file—index.

"3. It shall be the duty of the filing officer to mark each statement filed with a consecutive file number, and with the date and hour of filing, and to keep such statement in a separate file; and to note and index the filing in a suitable index, indexed according to the name of the trustee and containing a notation of the trustee's chief place of business as given in the statement. The fee for such filing shall be *three dollars (\$3.00)*.

Fee.

Effect.

"4. Presentation for filing of the statement described in subdivision 1, and payment of the filing fee, shall constitute filing under this act, in favor of the entruster, as to any documents or goods falling within the description in the statement which are within one year from the date of such filing, or have been, within 30 days previous to such filing, the subject-matter of a trust receipt transaction between the entruster and the trustee.

Subsequent
statement.

"5. At any time before expiration of the validity of the filing, as specified in subdivision 4, a like statement, or an affidavit by the entruster alone, setting out the in-

formation required by subdivision 1, may be filed in like manner as the original filing. Any filing of such further statement or affidavit shall be valid in like manner and for like period as an original filing, and shall also continue the rank of the entruster's existing security interest as against all junior interest. It shall be the duty of the filing officer to mark, file and index the further statement or affidavit in like manner as the original."

Effect.

Section 14. Section 72-306, Revised Codes of Montana, 1947, is amended to read as follows:

Amending clause.

"72-306. (6538) **Contract to be recorded.** The contracts herein authorized shall be recorded by the secretary of state in a book of records to be kept for that purpose, and on payment in full of the purchase-money, and the performance of the terms and conditions stipulated in any such contract, a declaration in writing to that effect may be made by the vendor, lessor, or bailor, or his or its assignee, which declaration may be made on the margin of the record of the contract, duly attested, or it may be by a separate instrument to be acknowledged by the vendor, lessor, or bailor, or his or its assignee, and recorded as aforesaid, and for such services the secretary of state shall be entitled to a fee of fifteen dollars, for recording each of said contracts and each of said declarations, and a fee of *two dollars (\$2.00)* for noting such declaration on the margin of the record."

Secretary of state
shall record
contracts.

Fee.

Section 15. Section 84-1515, Revised Codes of Montana, 1947, is amended to read as follows:

Amending clause.

"84-1515. (2303.7) **Reviver of corporation after suspension or forfeiture.** Any corporation which has suffered the suspension or forfeiture referred to in the preceding section may be relieved therefrom upon making application therefor in writing supported by a certificate from the state board of equalization showing that the required return has been made and filed and/or that the tax and interest and penalties have been paid, for which the suspension or forfeiture occurred. Application for reviver may be made by any stockholder or creditor of the corporation or by a majority of the surviving trustees or directors, and the same shall be filed with the secretary of state, *for which he shall receive a filing and recording fee of five dollars (\$5.00)*. In case the application is made in

Reviver of
corporation—
application
and fees.

Certificate
of reviver.

Effect.

Amending clause.

Secretary of state
shall keep record
of trade-marks
or names.

Fees.

Amending clause.

any taxable year other than the taxable year in which the suspension or forfeiture occurred the applicant shall pay twice the amount of the tax and penalties due the state for the taxable year in which the suspension or forfeiture occurred, and upon such payment the secretary of state shall issue a certificate of reviver *for which he shall collect a fee of five dollars (\$5.00)* and thereupon the applicant shall be revived. The reviver shall be without prejudice to any action, defense or right which has accrued by reason of the original suspension or forfeiture. The certificate of reviver shall be prima facie evidence of the reviver. Any certificate of reviver provided for in this section may be recorded in the office of the county recorder in any county of this state."

Section 16. Section 85-103, Revised Codes of Montana, 1947, is amended to read as follows:

"85-103 (4288) **Record of trade-marks or names—fee.** The secretary of state must keep for public examination, a record of all trade-marks or names filed in his office, with the date when filed and the name of the claimant, and must not record any two (2) like trade-marks or names; provided, however, that in the event that an affidavit, attested by two (2) witnesses, is filed in the office of the secretary of state to the effect that any trade-marks or name recorded therein in the name of any person or persons, corporation or association has not been used by such person or persons, corporation or association, their successors or assigns, for a period of five (5) years immediately preceding the filing of said affidavit, then and in that event the secretary of state is authorized, empowered and directed to record said trade-mark or name in the name of the person making application therefor in said affidavit, or in the name of the person or persons, corporation or association for whose benefit said application and affidavit are made, but without prejudice to any person claiming to be injured thereby to contest the same in any court of competent jurisdiction, within a period of six (6) months thereafter. He must, at the time of filing and recording a trade-mark or name, collect from the claimant *the fee set forth in section 25-102.*"

"93-3009. (9113) **When and how service is made—fee for service.** When such order is made, the summons and complaint, together with a copy of such order, shall be served upon the secretary of state of the State of Montana, or, in his absence from his office, upon the deputy secretary of state, by delivering to and leaving with him a true copy of the summons and complaint, and a copy of such order, and shall likewise pay to the said secretary a fee of *five dollars (\$5.00)*, which shall be covered into the state treasury by him, and may be taxed as costs by the plaintiff."

Service—when
and how made.

Fees.

Repealing clause.

Section 18. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1961.

CHAPTER 118

An Act to Amend Section 55-1004, of the Revised Codes of Montana, 1947, Relating to Inland and Foreign Bills of Exchange.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 55-1004 of the Revised Codes of Montana of 1947 be, and the same is hereby amended to read as follows:

Amending clause.

"55-1004. (8536) **Inland and foreign bills of exchange.** An inland bill of exchange is a bill which is, or on its face purports to be, both drawn and payable within *the United States*. Any other bill is a foreign bill. *For the purposes of this section 'United States' means the states, territories, dependencies and possessions of the United States, the District of Columbia and Puerto Rico.* Unless the contrary appears on the face of the bill, the holder may treat it as an inland bill."

Inland and
foreign bills of
exchange defined.

Approved March 2, 1961.

CHAPTER 119

An Act to Amend Section 32-2148, Revised Codes of Montana, 1947, as Enacted by Section 45, Chapter 263,